

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ESTATE OF STEVEN MENDELOW,  
NANCY MENDELOW, in her capacity as the  
Executrix of the Estate of Steven Mendelow;  
NANCY MENDELOW; CARA MENDELOW;  
PAMELA CHRISTIAN; C&P ASSOCIATES,  
LTD.; and C&P ASSOCIATES, INC.,

Defendants.

Adv. Pro. No. 10-04283 (SMB)

**ORDER GRANTING IN PART AND DENYING IN PART TRUSTEE'S  
MOTION FOR LEAVE TO FILE AMENDED COMPLAINT AND MOTION TO  
DISMISS WITHOUT PREJUDICE THE TRUSTEE'S SUBSEQUENT TRANSFEREE  
CAUSES OF ACTION AND ALSO DISMISSING DEFENDANTS' MOTION FOR  
JUDGMENT ON THE PLEADINGS AS MOOT**

Upon the motion dated December 30, 2015 (the "Motion") of Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15

U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and as the representative of the estate of Bernard L. Madoff (“Madoff”), seeking entry of an order, pursuant to Rules 15 and 41 of the Federal Rules of Civil Procedure, as incorporated in this proceeding by Rules 7015 and 7041 of the Federal Rules of Bankruptcy Procedure, granting the Trustee’s request for leave to file an amended complaint and dismissing without prejudice Counts Eight through Ten of the Complaint, (the “Subsequent Transferee Causes of Action”) pursuant to Rule 41(a)(2); and the Court having considered the Memorandum of Law in Support of Trustee’s Motion to Amend the Complaint and Dismiss Without Prejudice the Subsequent Transferee Causes of Action; and any objections thereto; and due notice of the Motion having been given, and it appearing that no other or further notice need be given; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon the proceedings before the Court and after due deliberation, it is hereby

**ORDERED THAT:**

1. The Trustee is authorized to file an amended complaint except to the extent that the amended complaint seeks to avoid and recover transfers that occurred prior to January 1, 2001;
2. The Subsequent Transferee Causes of Action are dismissed without prejudice; and;
3. The Defendants’ Motion for Judgment on the Pleadings is denied as moot.

Dated: New York, New York  
October 13, 2016

/s/ *Stuart M. Bernstein*  
STUART M. BERNSTEIN  
United States Bankruptcy Judge